IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 155 of 1995

Date of Decision: 3.12.2004

RAVJIBHAI JIVABHAI PATEL

Versus

KRUPALI WD/O KAMLESH J PATEL

(for full cause title, see next sheet)

Coram:

The Hon'ble Mr.Justice Bhawani Singh, Chief Justice

The Hon'ble Mr.Justice H.K.Rathod, Judge

Whether approved for reporting?

Appearance:
1. Firs

MR RAJNI H MEHTA for Appellant No.
Mr. Jyotindra Adeshara for Respondent No. 1

PER: BHAWANI SINGH, CHIEF JUSTICE (ORAL):-

In accident dated 23rd July, 1989, which took place near Sanand Town National Highway-8 near Ravalpura Bus Stop, Kamlesh J. Patel died. Consequently, Claim petition no. 1348 of 1989 (by widow) and claim petition NO. 61 of 1990 (by parents) were filed. They were allowed by the Motor Accident Claims Tribunal by judgment dated 4.6.1994. Against this judgment, the Insurance Company has filed First Appeal No. 155 of 1995. Another First

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Whether reporters of Local Papers may be allowed to see the Judgment? JJJJJJJJJJJJJJJ.JY

Appeal No. 156 of 1995 is also filed by the Insurance Company. The parents have also filed Cross Appeal No. 4984 of 1995 which are pending.

Today, learned advocates for the parties have filed out of Court settlement in First Appeal No. 155 of 1995. It is, inter alia, pointed out that the settlement be accepted and award be modified. It is also stated that this settlement is full and final between the parties, however, it will be without prejudice to the rights and contentions in First Appeal No. 156 of 1995 and the Cross Appeal No. 4984 of 1995 filed by the parents. Meaning thereby, this settlement will not prohibit the parties in First Appeal No. 156 of 1995 and the Cross Appeal No. 4984 of 1995 filed by the parents from raising and pressing their respective contentions and seek decision on merits. Unless the parties arrive at a settlement in those matters also, the decision in those cases for or against the parties will not prejudice this settlement arrived at between the parties in First Appeal No. 155 of 1995 and placed before the Court for acceptance.

We considered the matter in the context of submissions of the parties. We are of the opinion that the settlement is for the benefit of both the parties. It will enable the claimants to receive money immediately as per the settlement instead of waiting for consideration of the case on merits at some later stage. Therefore, the settlement is accepted and placed on record. The award in Claim Petition No. 1348 of 1989 dated 4.6.1995 shall stand modified to that extent. Settlement is taken on file and made part of the record and shall be the award in the case between the parties in First Appeal No. 155 of 1995. Therefore, Motor Accident Claims Tribunal, Nadiad is ordered to immediately hand over the FDR of UCO Bank Navrangpura Ahmedabad bearing No. 874613 for Rs.9,00,000.00 (Rupees nine lacs only) to the claimant Krupali, widow of Kamlesh J. Patel, 3/B, Vishrut Society, Near Maruti Complex, Gurukul, Drive-in-Road, Ahmedabad on proper verification and she will be at liberty to encash the same and the other one already in her possession alongwith interest which may have accrued on the FDRs. Since the appeal is disposed of before effective hearing, office to issue Court Fees Refund Certificate to the extent permissible. Registry is directed to send Records and Proceedings of MACP No. 1348 of 1989 (First Appeal No. 155 of 1995) to the Motor

Accident Claims Tribunal (Main) Kheda at Nadiad within two days and the MACT concerned will return the same to the Registry of this Court after handing over the FDRs of the claimant as per this order, to be kept with First Appeal No. 156 of 1995. Parties are directed to abide by the settlement recorded above, to be followed in letter and spirit. No order as to costs.

[BHAWANI SINGH]
CHIEF JUSTICE

[H.K.RATHOD]
JUDGE

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